

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

COLUMBIA PICTURES INDUSTRIES,  
INC., a Delaware corporation,

Plaintiff,

vs.

STEVEN LAMONS,

Defendant.

Civil Action. No.: \_\_\_\_\_

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

Comes Plaintiff and for its claim avers as follows:

**JURISDICTION AND VENUE**

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States (17 U.S.C. § 101 *et seq.*).

2. This Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338(a) (copyright).

3. This Court has personal jurisdiction over Defendant, and venue in this District is proper under 28 U.S.C. § 1391(b) and/or 28 U.S.C. § 1400(a), because Defendant resides in this District and the acts of infringement complained of herein originated in this District.

**PARTIES**

4. Plaintiff Columbia Pictures Industries, Inc. ("Plaintiff") is one of the world's leading creators and distributors of motion pictures. Plaintiff brings this action to stop Defendant from copying and distributing to others over the Internet unauthorized copies of Plaintiff's copyrighted motion pictures. Defendant's infringements allow Defendant and others to unlawfully obtain and distribute for free unauthorized copyrighted works that Plaintiff spends

millions of dollars to create and/or distribute. Each time Defendant unlawfully distributes a free copy of one of Plaintiff's copyrighted motion pictures to others over the Internet, each person who copies that motion picture can then distribute that unlawful copy to others without any significant degradation in sound and picture quality. Thus, Defendant's distribution of even one unlawful copy of a motion picture can result in the nearly instantaneous worldwide distribution of that single copy to a limitless number of people. Plaintiff now seeks redress for this rampant infringement of its exclusive rights.

5. Plaintiff is a Delaware corporation, with its principal place of business at 10202 West Washington Boulevard, Culver City, California. Plaintiff is engaged in the production, acquisition and distribution of motion pictures for theatrical exhibition, home entertainment and other forms of distribution. Plaintiff is the owner of the copyrights and/or the pertinent exclusive rights under copyright in the United States in motion pictures, including those identified in Exhibit A, which have been unlawfully distributed over the Internet by the Defendant.

6. Upon information and belief, Defendant, an individual, resides in this District.

## **COUNT I**

### **INFRINGEMENT OF COPYRIGHTS**

7. Plaintiff is responsible for the creation, development, production and distribution of numerous commercially released motion pictures.

8. At all relevant times Plaintiff has been the holder of the pertinent exclusive rights infringed by Defendant, as alleged hereunder, for certain copyrighted motion pictures, including, but not limited to, *Hitch* (the "Copyrighted Motion Picture"). The Copyrighted Motion Picture is the subject of a valid Certificate of Copyright Registration issued by the Register of Copyrights. A true and correct copy of this Certificate of Copyright Registration is attached hereto as Exhibit A.

9. The Copyrighted Motion Picture contains a copyright notice advising the viewer that it is protected by the copyright laws.

10. Plaintiff is informed and believes that Defendant, without the permission or consent of Plaintiff, has used, and continues to use, an online media distribution system to distribute to the public, including by making available for distribution to others, on or about March 27, 2005, the Copyrighted Motion Picture. In doing so, Defendant has violated Plaintiff's exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiff's exclusive rights protected under the Copyright Act of 1976 (17 U.S.C. § 101 *et seq.*).

11. The foregoing acts of infringement have been willful, intentional, and in disregard of and with indifference to Plaintiff's rights.

12. As a result of Defendant's infringement of Plaintiff's exclusive rights under copyright, Plaintiff is entitled to relief pursuant to 17 U.S.C. § 504, and to its attorneys' fees and costs pursuant to 17 U.S.C. § 505.

13. Defendant's conduct is causing, and unless enjoined and restrained by this Court will continue to cause, Plaintiff great and irreparable injury that cannot fully be compensated or measured in money. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiff is entitled to injunctive relief prohibiting Defendant from further infringing Plaintiff's exclusive rights under the Copyright Act of 1976 and ordering that Defendant destroy all copies of the Copyrighted Motion Picture made in violation of those rights.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For entry of preliminary and permanent injunctions providing Defendant shall be enjoined from directly or indirectly infringing Plaintiff's rights in the Copyrighted Motion Picture and any motion picture, whether now in existence or later created, that

is owned or controlled by Plaintiff ("Plaintiff's Motion Pictures"), including without limitation by using the Internet to reproduce or copy any of Plaintiff's Motion Pictures, to distribute any of Plaintiff's Motion Pictures, or to make any of Plaintiff's Motion Pictures available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiff.

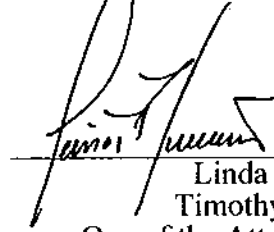
Defendant also shall destroy all copies of Plaintiff's Motion Pictures that Defendant has downloaded onto any computer hard drive or server without Plaintiff's authorization and shall destroy all copies of those downloaded motion pictures transferred onto any physical medium or device in Defendant's possession, custody, or control.

2. For actual damages or statutory damages pursuant to 17 U.S.C. § 504, at the election of Plaintiff.
3. For Plaintiff's costs.
4. For Plaintiff's reasonable attorneys' fees.

5. For such other and further relief as the Court deems proper.

Respectfully submitted,

DATED: January 31, 2006

  
\_\_\_\_\_  
Linda Friedman  
Timothy Cummins  
One of the Attorneys for Plaintiff

OF COUNSEL

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## **EXHIBIT A**

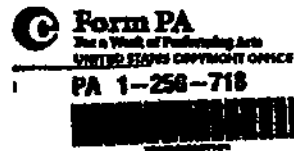
## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America



EFFECTIVE DATE OF REGISTRATION

Feb. 11, 2005

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

1

TITLE OF THIS WORK ☒  
HITCH

PREVIOUS OR ALTERNATIVE TITLES ☒  
LAST FIRST KISS, THE

NATURE OF THIS WORK ☒ See Instructions  
Motion Picture

2

a NAME OF AUTHOR ☒  
Columbus Pictures Industries, Inc.

DATE OF BIRTH AND DEATH  
Year Born ☒ Year Died ☒

Was this contribution to the work a "work made for hire"?  
☒ Yes  
☐ No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country  
OR ☒ Citizen of USA  
☐ Domiciled in \_\_\_\_\_

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Assignment? ☐ Yes ☒ No  
Predecessorship? ☐ Yes ☒ No

NATURE OF AUTHORSHIP ☒ See Instructions  
Entire work (see Space 6)

NOTE

Under the law the author of a "work made for hire" is generally the employer not the employee (see Instructions). For any part of this work that was made for hire, the person provided the employer (or other person for whom the work was prepared) at that point and leave the space for dates of birth and death blank.

b

NAME OF AUTHOR ☒  
Was this contribution to the work a "work made for hire"?  
☐ Yes  
☒ No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country  
OR ☐ Citizen of \_\_\_\_\_  
☐ Domiciled in \_\_\_\_\_

DATE OF BIRTH AND DEATH  
Year Born ☒ Year Died ☒

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Assignment? ☐ Yes ☒ No  
Predecessorship? ☐ Yes ☒ No

NATURE OF AUTHORSHIP ☒ See Instructions  
Partially derivative nature of material created by this author in which copyright is claimed.

c

NAME OF AUTHOR ☒  
Was this contribution to the work a "work made for hire"?  
☐ Yes  
☒ No

AUTHOR'S NATIONALITY OR DOMICILE  
Name of Country  
OR ☐ Citizen of \_\_\_\_\_  
☐ Domiciled in \_\_\_\_\_

DATE OF BIRTH AND DEATH  
Year Born ☒ Year Died ☒

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Assignment? ☐ Yes ☒ No  
Predecessorship? ☐ Yes ☒ No

NATURE OF AUTHORSHIP ☒ See Instructions  
Partially derivative nature of material created by this author in which copyright is claimed.

3

a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED ☒  
2005

b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK  
Complete this information: Month February Day 11 Year 2005  
Country United States of America

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ☒  
Columbus Pictures Industries, Inc.  
10202 W Washington Blvd  
Culver City, CA 90232-3195  
TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ☒

APPLICATION RECEIVED  
Feb. 11, 2005  
ONE DEPOSIT RECEIVED  
Feb. 11, 2005 (6) 35mm/L  
TWO DEPOSITS RECEIVED  
FUNDS RECEIVED

MORE ON BACK ☒ Complete all applicable spaces (numbers 6-10) on the reverse side of this page

DO NOT WRITE HERE

EXAMINED BY <u>16</u>	FORM PA
CHECKED BY <u>DDW</u>	
<input type="checkbox"/> CORRESPONDENCE	FOR
Yes	COPYRIGHT
	OFFICE
	USE
	ONLY

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an author version of this work, already been made in the Copyright Office?

(a) Yes ☐ No ☐ If your answer is "Yes," why is another registration being sought? (Check appropriate box) ☐ If your answer is No, do not check box A, B or C.a ☐ This is the first published edition of a work previously registered in unpublished form.b ☐ This is the first application submitted by the author or copyright owner.c ☐ This is a changed version of the work, as shown by space 6 on this application.If your answer is "Yes" give Previous Registration Number ☐Year of Registration ☐

Screenplay, PAN 2-607-764

2001

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

Providing Material Identify any preexisting work or works that this work is based on or incorporates ☐

Previously published musical compositions and sound recordings of compositions, previously published film clips, computer program, books, magazines, newspapers, artwork, photography and posters

Material Added to This Work Give a brief general statement of the material that has been added to this work and in which copyright is claimed ☐

Entire motion picture except as described in Space 6a

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office give name and number of Account.

Name ☐Account Number ☐THOMSON & THOMSON CRO  
DA 061794CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/Zip ☐

See Space 9

Area code and daytime telephone number : 310 : 244-7553

Fax number : 310 : 244-2366

Email: gayle\_mcdonald@spe.sony.com

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one ☐☐ author☐ other copyright owner☐ owner of exclusive rights☒ authorized agent of Columbia Pictures Industries, Inc.Name of author or other copyright owner, or owner of exclusive rights ☐

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

Typed or printed name and date ☐ If this application gives a date of publication in space 2, do not sign and submit it before that date.

Gayle McDonald

Date: February 11, 2005

Handwritten signature (S) ☐

Certificate will be mailed in return envelope to this address

Name ☐ Gayle McDonald  
Columbia Pictures Industries, Inc.

Handwritten address ☐

10202 W. Washington Blvd.

City/State/Zip ☐

Calver City, CA 90232-3195

Complete all necessary spaces. Sign your application in space 8.

1. Application form

2. Fee (enclosed) (see fee to study or merely enter payable to Assistant of Copyrights S. Deposit material)

Library or Copyright Office  
Copyright Office  
101 Independence Avenue S.E.  
Washington D.C. 20540-0003

Get material to study or merely enter payable to Assistant of Copyrights S. Deposit material

(7 U.S.C. § 504) Any person who knowingly makes a false representation in a material fact in the application for copyright registration provided for by section 408 or in any written statement filed in